

LAW OFFICES OF MICHAEL W. AYOTTE

VIA ECF

The Honorable Debra Freeman
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

June 24, 2021

Re: Watson v. NY DOE 2, et al. (1:19-cv-00533-JGK-DCF)
Plaintiff's Request for an Extension of Rebuttal Expert Disclosure Currently Set
for June 25, 2021

Dear Judge Freeman,

I represent Plaintiff Ralph M. Watson in this case. On May 25, 2021, Defendant NY Doe 2 disclosed and served the expert report of Dr. Sarah Boyd, who was retained to provide general testimony regarding sexual violence and harassment. At that time I was out of the country on vacation through May 31, 2021. Upon my return, I immediately sought to retain a rebuttal expert but was unable to locate a suitable qualified expert with the ability to provide a rebuttal report by the June 25th deadline. I then retained the expert search firm Expert Institute on June 4, 2021. It was not until June 23, 2021, after an extensive search, that I was finally able to retain a qualified forensic psychiatrist, Dr. Lama Bazzi, to provide an expert rebuttal report, but she will be unable to provide anything other than a brief summary of her expected testimony by the current June 25, 2021 deadline.

On June 23, 2021, I contacted counsel for NY Doe 2 (and all other counsel) via email and requested a brief extension of the current deadline to allow Dr. Bazzi sufficient time to review all relevant case materials, including the deposition transcripts of Plaintiff and NY Doe 2. Dr. Bazzi has indicated she can prepare a full rebuttal report by July 9, 2021. This short extension will in no way be prejudicial to NY Doe 2, nor alter any other current deadlines, given that expert depositions can still be completed by the current deadline of July 26, 2021. On June 24th, counsel for NY Doe 2 responded that they would not agree the requested extension but would "agree to a short extension to June 29 for Plaintiff to submit his expert rebuttal report, but nothing further." Unfortunately, such a short extension, especially considering that two of the four extra days offered are weekend days, is insufficient for Dr. Bazzi to provide a complete rebuttal report.

There have been two previous continuances of the discovery and other related deadlines in this case. The first extension was a 60-day extension stipulated to by all the parties, and approved by the Court on February 10, 2021. ECF 132-133. The second extension was jointly requested by the parties on April 8, 2021 and approved by the Court on April 20, 2021. ECF 148, 153.

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Because no other deadlines will be affected by Plaintiff's reasonable request and the obvious importance of such a rebuttal report to a fair determination of the matter on the merits, Plaintiff respectfully requests that the Court grant an extension of the current deadline to July 9, 2021.

Respectfully submitted,

s/ Michael W. Ayotte

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cc: All counsel of record via ECF